

Permit 15581

OF CALIFORNIA

GEORGE DEUKMEJIAN, Governor

TE WATER RESOURCES CONTROL BOARD

E PAUL R. BONDERSOON BUILDING

1 P Street, Sacramento, CA

916) 324-5693

DIVISION OF WATER RIGHTS

P.O. BOX 2000, Sacramento, CA 95810



In Reply Refer
to:342:WR:17149

FEB 26 1986

John C. Hassenplug, General Manager
North Tahoe Public Utility District
P. O. Box 139
Tahoe Vista, CA 95732

Dear Mr. Hassenplug:

PERMITS 15582 AND 15581 (APPLICATIONS 17149 AND 17235), LAKE TAHOE IN
PLACER COUNTY

In response to your letter of February 7, 1986, your understanding is correct in that no fee is required for the extension of time request within which to submit the required Water Conservation document required by terms in your permits. The file reflects that you have been diligent in pursuing completion of the document. Therefore, you are hereby allowed to July 31, 1986 to submit the Water Conservation document.

Sincerely,

A handwritten signature in cursive script that reads 'Lloyd Johnson'.

Lloyd Johnson, Interim Chief
Division of Water Rights

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 17235

PERMIT 15581

LICENSE _____

ORDER APPROVING A CHANGE IN PLACE OF USE AND AMENDING THE PERMIT

WHEREAS:

1. A petition to change the place of use has been filed with the State Water Resources Control Board.
2. The Board has determined that the petitioned changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Paragraph 3 of this permit regarding the place of use is amended as follows:

Within the boundaries of the North Tahoe Public Utility District in Sections 18, 19, and 30, T16N, R18E, and Sections 11, 12, 13, and 14, T16N, R17E, and to include Tahoe Marina and Tahoe Estates Subdivision at Tahoe Vista generally located within E $\frac{1}{2}$ of NW $\frac{1}{4}$ of Section 14, SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 11, and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 11, T16N, R17E, MDB&M.

2. Paragraph 13 of this permit is deleted. A new Paragraph 13 is added as follows:

Permittee shall install and properly maintain water meters or other appropriate measuring devices satisfactory to the State Water Resources Control Board which are capable of measuring and recording the amount(s) of water being diverted from each source of supply for beneficial use and the amount(s) of water delivered for beneficial use in the State of Nevada and furnish monthly records of measurements to the Board in the annual progress report(s) by permittee. A water meter shall be installed at the existing point of diversion and at all enteries where water diverted under other rights is commingled with water diverted under this permit in order to provide accurate records of amounts of water diverted under the permit.

3. Paragraph 18 is added to this permit as follows:

Permittee shall consult with the Division of Water Rights and the Department of Water Resources and develop and implement a water conservation program or actions. A progress report on development of the program shall be submitted to the Board within 6 months. The program or proposed actions shall be presented to the Board for approval within one year from the date of this order or such further time as may, for good cause shown, be allowed by the Board.

Dated: JULY 7 1982

Raymond Walsh

Raymond Walsh, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Permits 679, 13525
15582, 15581, 12049 Issued on
Applications 1379, 17139, 17149,
17235, and 18414,
NORTH TAHOE PUBLIC UTILITY DISTRICT,
Permittee,
PYRAMID LAKE PAIUTE TRIBE OF INDIANS,
Protestant

Order : WR 79-7
Sources: Watson Creek, Lake
Tahoe, and Dollar
Creek
County : Placer

ORDER APPROVING PETITIONS
FOR EXTENSIONS OF TIME

BY BOARD CHAIRMAN MAUGHAN:

The time to complete construction and application of water to be proposed use under Permits 679 (Application 1379), 13525 (Application 17139), 15582 (Application 17149), 15581 (Application 17235), and 12049 (Application 18414) held by North Tahoe Public Utility District (permittee) having expired, petitions for extensions of time were filed by the permittee. A public hearing was held before the State Water Resources Control Board (Board) on August 25, 1977, to determine whether extensions of time should be granted or a license issued and to provide a forum for the Board to receive input for the development of Board policy for the administration of water rights in the Lake Tahoe and Truckee River Basins. Protests having been received to the granting of an extension of time; permittees and interested persons having appeared and presented evidence; the evidence having been duly considered, the Board finds as follows:

Substance of the Permits

1. The substance of Permits 679, 13525, 15582, 15581 and 12049 is summarized in Appendix A, attached hereto. As Appendix A indicates, the source

for all these permits is either Lake Tahoe or tributaries to it. Furthermore, the present development schedule requires completion of construction and application of this water to the proposed use by December 1, 1975.

Permittee's Project

2. Permittee is a major water purveyor for the north shore area of Lake Tahoe. It serves, among other areas, the communities of Cornelian Bay, in part, Lake Forest, Tahoe Vista, and Brockway. The Agate Bay Water Company and Fulton Water Company also serve water in the general northshore area. The service area of the permittee contains a large number of buildable, undeveloped residential lots.

Background

3. On December 8, 1859, the Commissioner of the General Land Office withdrew the lands comprising the Pyramid Lake Indian Reservation, hereinafter referred to as the "reservation", from the public domain for the use of the Pyramid Lake Paiute Tribe of Indians (hereinafter referred to as the "Tribe"). President U. S. Grant later confirmed this withdrawal by an executive order dated March 23, 1874. The reservation contains about 475,000 acres surrounding Pyramid Lake.

4. Pyramid Lake is a body of water located about 30 miles northeast of Reno. It has a surface area of about 110,000 acres and has a present depth of over 300 feet. Pyramid Lake is the terminus of the Truckee River and its tributaries and like many bodies of water in the Great Basin it has no outlet. Consequently, with evaporation of water from the lake the salt concentration or salinity in the lake gradually increases.

5. When the federal government withdrew land from the public domain and reserve it for a federal purpose, it reserved by implication appurtenant water then unappropriated to the extent needed to carry out

the purpose of the reservation. This principle of law was first stated in the landmark case entitled Winters v. United States, 207 U.S. 564, 28 S.Ct. 207 (1908) and it is commonly called the "Winters doctrine". It has been followed by a long line of cases. See United States v. New Mexico, ___ U.S. ___, 96 S.Ct. 3012 (1978); Cappaert v. United States, 426 U.S. 128, 96 S.Ct. 2062 (1976) and the cases cited in them.

6. On June 17, 1902 the Reclamation Act of 1902 (32 Stat. 388) became law and immediately thereafter on July 2, 1902 the Secretary of Interior authorized the construction and operation of the Newlands project under the Reclamation Act of 1902. The Newlands Project contemplated diversion of water from both the Truckee River and Carson River for use on arid lands surrounding Fallon, Nevada.

7. On March 13, 1913, the United States commenced a quiet title action in the United States District Court for the District of Nevada, entitled United States of America v. Orr Ditch Water Company, et al., in Equity No. A-3, hereinafter referred to as the "Orr Ditch" case. On September 8, 1944, the court entered a final decree in the Orr Ditch case. The reservation was awarded a Winters doctrine reserved water right with a priority date of December 8, 1859, for irrigation of land within the reservation.

8. The United States commenced an action on its own behalf and on behalf of the Tribe on December 21, 1973, in United States District Court for the District of Nevada, entitled United States v. Truckee-Carson Irrigation District, et al., Civil No. R-2987 JBA U.S.D.C., Nevada. This action sought, among other things, to establish a Winters doctrine reserved water right in the United States for the maintenance and preservation of Pyramid Lake and the lower reaches of the Truckee River for fishery purposes. The Tribe intervened in these proceedings. On February 5, 1975, the District Court ordered that the affirmative defenses of res judicata and collateral estoppel be bifurcated

for separate trial before the court. On December 12, 1977, the District Court entered a judgement dismissing with prejudice the complaint. The District Court concluded that the doctrine of res judicata precluded the United States and the Tribe from asserting and litigating the alleged Winters doctrine reserved water right for fishery purposes. The United States and the Tribe have appealed the adverse decision to the Ninth Circuit Court of Appeals.

9. At the Board hearing on the petitions for extension of time, one of the parties objected to certain evidence being introduced into the record for Board action on said petitions. Staff was directed to review the evidence proffered and to clarify what constituted the hearing record. On May 11, 1978, staff transmitted a list of testimony, exhibits and closing argument that would be considered the hearing record. Two comments on the list were received. The Tahoe City Public Utility District commented in part:

"1. In connection with Staff Exhibit 11, which is the Environmental Protection Agency 'Final EIS Wastewater Treatment and Conveyance System, North Lake Tahoe-Truckee River Basin (TTSA)', we ask that the Supplement to that Final EIS be included as part of the exhibit....

"2. Since the hearing was held on August 25, 1977, the Federal District Court in Nevada has rendered a decision in the case of United States of America and Pyramid Lake Paiute Tribe of Indians v. Truckee-Carson Irrigation District, et al., Civil No. R-2987-JBA.... A copy of the court's Memorandum Decision, Findings of Fact and Conclusions of Law, Judgment, and Certificate is enclosed. We ask the Board take official notice of this decision and consider it in acting both on the petitions for extension of time and the development of a general policy for the Tahoe-Truckee Basin."

The Pyramid Lake Paiute Tribe of Indians requested that the Board take official notice of the Notices of Appeal and the Order of the Ninth Circuit Court of Appeals allowing the appeal.

10. The Board concludes that the hearing record as set forth in the Board letter dated May 11, 1978 on the petitions for extension of time should be augmented as requested by the Tahoe City Public Utility District and by the

Tribe for the following reasons. Staff Exhibit 11, the "Final EIS Wastewater Treatment and Conveyance System, North Lake Tahoe-Truckee River Basin (TTSA)" was intended to refer to a complete document, which includes the supplement. Tahoe City Public Utility District's first comment merely clarifies what was intended. The court decision referred to by Tahoe City Public Utility District and the Notices of Appeal and Order referred to by the Tribe are quite relevant to Board action on the petitions and they are the type of document which may be officially noticed by the Board.

11. Permittee requested several times during the hearing held on this matter that the place of use under each permit include the entire permittee's service area and that the points of diversion on the tributary streams be transferred to Lake Tahoe, if necessary. (RT 9, 143) The present order does not address these requests because they are not properly before the Board. Chapter 10, Part 2, Division 2 of the Water Code, commencing with Water Code Section 1700, specifies a procedure to bring such requests before the Board.

The Due Diligence of the Permittee

12. Permittee has sufficient pumping and/or intake capacity on the various sources under the permits to put to beneficial use a greater amount of water than the face value of the permits. In addition, permittee has main distribution lines to all existing subdivisions within the permittee's service area except one, the Wood Vista subdivision. Presently, permittee is undertaking a construction program to upgrade the system to improve reliability, efficiency, and public safety aspects of the system. Since the subdivider is responsible to provide distribution systems in any future subdivision, the permittee has the physical ability, pumping equipment, financial means and distribution system

to put the water authorized for diversion by its existing permits to beneficial use. Accordingly, the permittee has been diligent in acquiring the means to put the said water to beneficial use. While permittee does lack customers for its water, this matter is not within the permittee's control.

13. Permittee represents in its petition that its construction program should be complete in 1980 and that the water under the permits will be used in the year 2000. Generally, the Board's policy is to grant extensions, if good cause is shown, consistent with the development and use schedule contemplated by the permittee, if the Board further determines that said development and use schedule is reasonable and constitutes the exercise of due diligence. However, here there are several factors which persuade us that a shorter development and use schedule is appropriate. The pending lawsuit of the United States to establish a "Winters" doctrine reserved right for fishery purposes is a significant factor in the ultimate determination of water right entitlements in the Tahoe Basin. Hopefully the present appeal will be resolved within the next two years. Following such a resolution, Congress should be able to definitively act on the Interstate Compact between the states of California and Nevada regarding use of water in the Tahoe Basin. (See Water Code Section 5976). Finally, additional time will be required for (1) update of the Board's 1969 Tahoe Water use study, (2) adoption of a new Tahoe policy, and (3) hearings on other extension requests. For these reasons the Board expects that more conclusive action may be taken on or before the expiration of two more years from December 1, 1978.

14. Good cause has been shown for an extension of time for each permit to complete construction and application of water to beneficial use under Permit 679 (Application 1379), Permit 13525 (Application 17139), Permit 15582 (Application 17149), Permit 15581 (Application 17235) and Permit 12049 (Application 18414). Said extension shall be granted to December 1, 1980.

15. The Board further concludes that provisions of Permit 679 need to be designated permit term numbers for easy reference and that all the permits need to be updated to include standard terms and conditions.

NOW THEREFORE, IT IS ORDERED THAT:

1. Permit Term 3 of Permit 13525 (Application 17139), Permit Term 9 of Permit 15582 (Application 17149), Permit Term 9 of Permit 15581 (Application 17235), and Permit Term 5 of Permit 12049 (Application 18414) is amended to read as follows:

"Complete application of the water to the proposed use shall (0000009) be made on or before December 1, 1980."

2. The provisions of Permit No. 679 (Application 1379) shall be designated permit term numbers as follows:

a. The following provision of Permit No. 679 shall be designated permit term number one:

"Actual construction work shall begin on or before April 1, 1920 (00000067) and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted this permit may be revoked."

b. The following provision of Permit No. 679 shall be designated permit term number two:

"The amount of water appropriated shall be limited to the amount which can be applied to beneficial use and shall not exceed two thirds (2/3) of one cubic foot per second, or its equivalent in case of (00000005) rotation."

c. The following portion of this New Development Schedule provision of Permit No. 679 as amended shall be designated permit term number three:

"Said construction work shall be completed on or before December 1, 1970."

d. The following portion of the New Development Schedule provision of Permit No. 679 approved by Order dated February 26, 1973 shall be amended and designated permit term number four:

"Complete application of the water to the proposed use shall be made on or before December 1, 1980."

3. Permit Term 7 of Permit 12049 (Application 18414), Permit Term 5 of Permit 13525 (Application 17139), Permit Term 11 of Permit 15582 (Application 17149), and Permit Term 11 of Permit 15581 (Application 17235) are amended and a new Permit Term 5 of Permit 679 (Application 1379) is added as follows:

Pursuant to California Water Code Sections 100 and 275, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in his permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation. (0000012)

4. A new Permit Term 6 of Permit 679 (Application 1379) and a new Permit Term 8 of Permit 12049 (Application 18414) are added as follows:

Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

5. A new Permit Term 7 of Permit 679 (Application 1379) is added as follows:

The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

6. Permit Term 1 of Permit 13525 (Application 17139) shall be amended to read as follows:

The amount of water appropriated shall be limited to the amount which can be beneficially used, and shall not exceed 2.5 cubic feet per second to be diverted from June 1 to September 30 (0000005) of each year.

7. Permit Term 7 of Permit 13525 (Application 17139), Permit Term 13 of Permit 15582 (Application 17149), and Permit Term 13 of Permit 15581 (Application 17235) are deleted.

8. A new Permit Term 8 of Permit 679 (Application 1379), a new Permit Term 9 of Permit 12049 (Application 18414), a new Permit Term 7 of Permit 13525 (Application 17139), a new Permit Term 13 of Permit 15582 (Application 17149), and a new Permit Term 13 of Permit 15581 (Application 17235) are added as follows:

Permittee shall install and properly maintain water meters or other appropriate measuring devices satisfactory to the State Water Resources Control Board which are capable of measuring and recording the amount(s) of water being diverted from each source of supply for beneficial use and the amount(s) of water delivered for beneficial use in the State of Nevada and furnish monthly records of measurements to the Board in the annual progress report(s) by (0000999) permittee.

9. A new Permit Term 9 of Permit 679 (Application 1379), a new Permit Term 10 of Permit 12049 (Application 18414), a new Permit Term 8 of Permit 13525 (Application 17139), a new Permit Term 14 of Permit 15582 (Application 17149), and a new Permit Term 14 of Permit 15581 (Application 17235) are added as follows:

This permit is subject to the continuing authority of the State Water Resources Control Board in accordance with policy for the administration of water rights in the Lake Tahoe Basin to reduce the amount(s) of water named in the permit(s) upon a finding by the Board that the amount(s) listed in the permit(s) are in excess of that reasonably needed for the authorized uses. Water requirements will be estimated using land use densities in the permitted place of use as authorized by local ordinances or as they may be modified by the final order of the Tahoe Regional Planning Agency. No further action will be taken by the Board without prior notice to the permittee and an opportunity for hearing. (0000012)

10. A new Permit Term 10 of Permit 679 (Application 1379), a new Permit Term 11 of Permit 12049 (Application 18414), a new Permit Term 9 of Permit 13525 (Application 17139), a new Permit Term 15 of Permit 15582 (Application 17149), and a new Permit Term 15 of Permit 15581 (Application 17235) are added as follows:

No water shall be used under this permit until the permittee has filed a report of waste discharge with the California Regional Water Quality Control Board, Lahontan Region, pursuant to Water Code Section 13260, and the regional board or State Water Resources Control Board has prescribed waste discharge requirements or has indicated that water discharge requirements are not required. Thereafter, water may be diverted only during such times as all requirements prescribed by the regional board or State Board are being met.

No discharges of waste to surface water shall be made unless waste discharge requirements are issued by a regional board or the State Board. A discharge to groundwater without issuance of a waste discharge requirement may be allowed if after filing the report pursuant to Section 13260:

- (1) the regional board issues a waiver pursuant to Section 13269, or
- (2) the regional board fails to act within 120 days of the filing of the report.

No report of waste discharge pursuant to Section 13260 of the Water Code shall be required for percolation to the groundwater of water resulting from the irrigation of crops.

(0000029)

11. A new Permit Term 11 of Permit 679 (Application 1379), a new Permit Term 12 of Permit 12049 (Application 18414), a new Permit Term 10 of Permit 13525 (Application 17139), a new Permit Term 16 of Permit 15582 (Application 17149), and a new Permit Term 16 of Permit 15581 (Application 17235) are added as follows:

The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are

in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

(0000013)

12. A new Permit Term 12 of Permit 679 (Application 1379), a new Permit Term 13 of Permit 12049 (Application 18414), a new Permit Term 11 of Permit 13525 (Application 18414), a new Permit Term 17 of Permit 15582 (Application 17149), and a new Permit Term 17 of Permit 15581 (Application 17235) are added as follows:

a. The total annual diversion and use allowed under each permit shall not exceed the following:

Permit 679, Application 1379	280 acre-feet
Permit 13525, Application 17139	See Subdivision "b" of this term.
Permit 15582, Application 17149	See Subdivision "b" of this term.
Permit 15581, Application 17235	See Subdivision "b" of this term.
Permit 12049, Application 18414	49.7 acre-feet

b. Decision 1056 adopted February 15, 1962 states:

"The total amount of water to be appropriated by direct diversion under Applications 17149 and 17235 and under rights, if any, acquired from Brockway Water Company (Oakwood Investment Company) shall not exceed 240 acre-feet in any calendar month or 1,900 acre-feet in any year."

(0000114)

Permittee has acquired Permit 13525 (Application 17139) from the Oakwood Investment Company.

13. A new Permit Term 13 of Permit 679 (Application 1379) is added as follows:

Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued.

(0000010)

14. Order No. WR 73-10 shall remain in effect except as said Order amended Permit Term 3 of Permit 13525 (Application 17139), Permit Term 9 of Permit 15582 (Application 17149), and Permit Term 9 of Permit 15581 (Application 17235).

15. The amendments to Permit 679 (Application 1379) by Orders dated February 26, 1973 and May 22, 1968 and the amendments to Permit 12049 (Application 18414) by the Order dated April 26, 1973 are hereby deleted because the permit terms added above incorporated said amendments.

Dated: April 19, 1979

WE CONCUR:

/s/ W. DON MAUGHAN
W. Don Maughan, Chairman

/s/ WILLIAM J. MILLER
William J. Miller, Member

/s/ L. L. MITCHELL
L. L. Mitchell, Member

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Permits 13525,
15581 and 15582, Issued on Appli-
cations 17139, 17149 and 17235;
NORTH TAHOE PUBLIC UTILITY DISTRICT
Permittee

Order No. WR 73-10

Source: Griff Creek, Mount
Baldy Springs and
Lake Tahoe

County: Placer

ORDER APPROVING NEW DEVELOPMENT SCHEDULE,
CHANGE OF POINTS OF DIVERSION, IN PART, AND
CHANGE IN PLACE OF USE, IN PART

By Board Chairman ADAMS:

Permit 13525 was issued April 24, 1962, to Oakwood Investment Company for diversion of 2.5 cubic feet per second (cfs) from Lake Tahoe from June 1 to September 30 for municipal purposes. Notice of assignment to North Tahoe Public Utility District (District) was received February 19, 1968.

Permits 15581 and 15582 were issued February 15, 1968 to North Tahoe Public Utility District for diversion of 3.0 cfs each from Lake Tahoe from January 1 to December 31 for domestic, municipal, recreational and fire protection purposes. These permits included a condition imposed by Decision D 1056 adopted February 15, 1962, which states, "The total amount of water to be appropriated by direct diversion under Applications 17149 and 17235 and under rights, if any, acquired from Brockway Water Company (Oakwood Investment Company) shall not exceed 240 acre-feet in any calendar month or 1,900 acre-feet in any year." Rights obtained from Oakwood Investment Company include Permit 13525, License 1910 (Application 6983)



RECYCLED PAPER

for 0.5 cfs from Griff Creek, License 5646 (Application 12574) for 1.0 cfs from Griff Creek, and undefined early rights.

The permittee requested extensions of time under Permit 13525 by petition received December 2, 1969, and under Permits 15581 and 15582 by petitions received June 10, 1971, to complete construction and place the water to beneficial use. By petitions received February 17, 1970, permittee requested that the points of diversion under all three permits be changed to include a new pumping plant located south 2,700 feet from NW corner Section 13, T16N, R18E, MDB&M and being within the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 13 and a proposed intake located south 1,900 feet and east 2,100 feet from the NW corner of Section 22, T17N, R17E, MDB&M, and being within the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 22. The permittee also requested a change in place of use under all three permits by petitions received December 2, 1969, to include all of the area within existing district boundaries.

A hearing was held by the State Water Resources Control Board on February 9, 1972, to determine the action to be taken on the petitions. Evidence presented and received at said hearing has been duly considered, and the Board finds as follows:

1. The place of use authorized by Permits 15581 and 15582 extends westerly from the California-Nevada line for about three miles along the northerly shoreline of Lake Tahoe, occupies portions of six sections in California, and includes all the area within the former boundaries of the District, plus a relatively small additional area of anticipated district growth.

2. The place of use authorized by Permit 13525 is a somewhat smaller area, lying almost wholly within the place of use authorized for Permits 15581 and 15582, but also including about eighty acres in Nevada, which had been in the service area of the District's predecessor in title, the Brockway Water Company.

3. The District has expanded in area to the extent that now it is nearly twice as large as its authorized place of use. The petitions would enlarge the authorized place of use to include all areas within the enlarged district boundaries.

4. Permittee has made continuous and increasing use of water under each of these permits and permittee has made sufficient showing that there will be further increases in use of water to justify extensions of time with respect to each permit.

5. The requested addition of a point of diversion in Section 13 will not in any way authorize any increase in the total amount of water that can be pumped from Lake Tahoe under these permits and will not operate to the injury of any other legal user of water.

6. At the time of the hearing in 1972, the Permittee indicated that total annual use under all rights is now a little over 1,500 acre-feet and that it will probably be several years before Permittee reaches the 1,900 acre-foot limit. A portion of the 1,500 acre-feet is now being used to serve the enlarged district area which lies in parts of Sections 11, 12, and 14, and is located westerly of Griff Creek, and northerly and westerly of the Brockway Golf Course. Some of the water which serves this area is directly from Griff Creek, under rights preexisting and separate from the

three subject permits, and part of the supply is pumped from Lake Tahoe at the National Avenue pumping plant, which also serves a large part of the District's authorized service area. The change to include the requested portions of Sections 11, 12, and 14 will not operate to the injury of any legal user of the water involved.

7. The one additional portion of the enlarged area within District boundaries, which is also requested to be included in the expanded place of use, is Carnelian Woods. Carnelian Woods is a completely separate area, relatively undeveloped at present, and half a mile distant from the nearest other District area. The intervening half-mile area is served water by the Agate Bay Water Company, so that any possible District water service to Carnelian Woods would not be by pipeline across the Agate Bay Water Company service area, but by an additional intake from Lake Tahoe, which lies just to the south of Carnelian Woods. A separate District application (No. 23727) to divert from Lake Tahoe at the proposed intake to serve this area is now pending. Consideration is also being given to serving this area, at least on a temporary basis, by groundwater pumped from a well or wells.

8. According to the Tahoe Regional Planning Agency's General Plan, provisional Agency detailed land use maps, and testimony at the hearing, the ultimate water requirements for the requested place of use will exceed the amount that can be diverted under these permits. This amount may not be sufficient to meet the ultimate water requirements of the presently authorized place of use. Approval of Carnelian Woods within the expanded place of use could give purchasers of property within that area the impression that there is ample water authorized to be appropriated under these permits to serve this area in addition to the District areas previously referred to. Since this is not the case,



this portion of the petition will be denied. Possible service to this area from Lake Tahoe can be considered in the context of Application 23727.

9. The requested addition of a point of diversion in Section 22 is needed only for service to Carnelian Woods, and will also be denied.

ORDER

IT IS HEREBY ORDERED that a new development schedule be approved with respect to Permits 13525, 15581, and 15582, as follows:

Construction work shall be completed on or before December 1, 1975. (0000007)

Application of water to the proposed use shall be completed on or before December 1, 1975. (0000009)

The extensions of time authorized by this order are subject to the following conditions:

Permittee shall install and properly maintain water meters or other measuring devices satisfactory to the State Water Resources Control Board, which are capable of measuring the amount of water being diverted from each source of supply for beneficial use and the amount of water delivered for beneficial use in the State of Nevada and furnish monthly records of measurements to the Board in the annual progress report by permittee.

IT IS FURTHER ORDERED that the petitions for addition of points of diversion be approved with respect to the addition of a point in Section 13 but denied with respect to the addition of a point in Section 22.

IT IS FURTHER ORDERED that the petitions for change in place of use be approved with respect to the portions of the proposed enlarged place of use which lie within Sections 11, 12, and 14, T16N, R17E, MDB&M. The petition is denied with respect to the proposed inclusion of Carnelian Woods, most of which is located within Section 15 of the same township and range.

We Concur:

W. W. ADAMS
W. W. Adams, Chairman

RONALD B. ROBIE
Ronald B. Robie, Vice Chairman

E. F. DIBBLE
E. F. Dibble, Member

ROY E. DODSON
Roy E. Dodson, Member

MRS. CARL H. (JEAN) AUER
Mrs. Carl H. (Jean) Auer, Member

Adopted as the order of the State Water Resources Control Board at a meeting duly called and held at Los Angeles, California.

Dated: March 1, 1973

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT NO. 15581

Application 17235 of North Tahoe Public Utility District
Kings Beach, California

filed on August 13, 1956, has been approved by the State Water Resources Control Board
SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Name of source(s):

Tributary to:

- | | |
|----------------|-------------------|
| (a) Lake Tahoe | (a) Truckee River |
| (b) | (b) |
| (c) | (c) |
| (d) | (d) |
| (e) | (e) |

2. Location of point(s) of diversion:

Bearing and distance or coordinate distances from section corner or quarter-section corner	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridian
S 15° 30' E, 4,300' from SE corner of (a) Section 12	SW ¼ of SW ¼	19	16N	18E	MD
(b)	¼ of ¼				
(c)	¼ of ¼				
(d)	¼ of ¼				
(e)	¼ of ¼				

County of Placer

3. Place of use: Within the boundaries of the North Tahoe Public Utility District in
Sections 18, 19 and 30, T16N, R18E, and Sections 11, 12, 13 and 14, T16N, R17E,
MDB&M, as shown on map on file with the State Water Resources Control Board.

4. Purpose(s) of use: Domestic, municipal, recreational and fire protection

5. The water appropriated shall be limited to the quantity which can be beneficially used, and shall not exceed 3.0 cubic feet per second by direct diversion to be diverted from January 1 to December 31 of each year.

The equivalent of such continuous flow allowance for any thirty-day period may be diverted in a shorter time if there be no interference with vested rights.

6. The maximum quantity herein stated may be reduced in the license if investigation warrants.

7. Actual construction work shall begin on or before September 1, 1968 and shall

hereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted this permit may be revoked.

8. Said construction work shall be completed on or before December 1, 1970.

9. Complete application of the water to the proposed use shall be made on or before December 1, 1970.

10. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Resources Control Board until license is issued.

11. All rights and privileges under this permit including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

12. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit.

13. The total amount of water to be appropriated by direct diversion under Applications 17149 and 17235 and under rights, if any, acquired from Brockway Water Company (Oakwood Investment Company) shall not exceed 240 acre-feet in any calendar month or 1,900 acre-feet in any year.

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: FEB 15 1968

STATE WATER RESOURCES CONTROL BOARD

K. J. McDonald
Chief, Division of Water Rights